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09/897,100	07/03/2001	Takeshi Ishida	826.1734	1690
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1201 NEW YORK AVENUE, N.W.				
WASHINGTON, DC 20005				
EXAMINER				
SORRELL, ERON J				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Response to Arguments***

1. The applicant argues, "However, the service level of the servers in Donaghue are not "intermediate" normally and "low" at the same time because there is no simultaneous, dual functionality. As defined by Donaghue, the servers therein provide either intermediate or low requests at any given time, not both. Thus, the specific teachings relied upon from Donaghue do not teach the use of servers from an intermediate group that normally serve low level requests (see page 2 of applicant's remarks)".

2. The Examiner finds this argument to be non-persuasive because the applicant is arguing subject matter that is not in the claims. The claims have no limitation requiring "simultaneous, dual functionality," or the serving both low and intermediate requests at the same time. The claims merely require the server operating at one level at one point in time and shifting to another level at another point in time. Donaghue teaches claimed shifting (see lines 45-67 of column 8).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERON J. SORRELL whose telephone number is (571)272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on 571-272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/897,100

Page 4

Art Unit: 2182

/E. J. S./

Examiner, Art Unit 2182